## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NORTH CAROLINA EASTERN DIVISION No. 4:08-CR-32-BR-1

No. 4:11-CV-44-BR

| DARIO MENDOZA-MENDOZA     | ) |              |
|---------------------------|---|--------------|
| Petitioner,               | ) |              |
|                           | ) |              |
| V.                        | ) | <u>ORDER</u> |
|                           | ) |              |
| UNITED STATES OF AMERICA, | ) |              |
| Respondent.               | ) |              |

Having conducted an examination of petitioner's motion pursuant to Rule 4(b) of the Rules Governing § 2255 Proceedings and it appearing that dismissal is not warranted at this time, the United States Attorney is DIRECTED to file an Answer pursuant to Rule 5, Rules Governing § 2255 Proceedings, or to make such other response as appropriate to the above-captioned § 2255 Motion to Vacate, Set Aside or Correct Sentence, within **forty (40)** days of the filing of this order.

This 24 March 2011.

W. Earl Britt

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Senior U.S. District Judge